

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

RANDALL TULLY QUINN,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 5:24-cv-00163-TES-AGH
	:	
Warden CURTIS CARTER,	:	
	:	
Respondent.	:	
_____	:	

NOTIFICATION OF MOTION TO DISMISS

On August 12, 2024, Respondent filed a motion to dismiss (ECF No. 9) the above-styled petition. The Court is required to adequately advise Petitioner of the significance of Respondent's motion. *See Griffith v. Wainwright*, 772 F.2d 822, 825 (11th Cir. 1985). To afford Petitioner, who is proceeding *pro se*, adequate notice and time to respond to Respondent's motion, the following notice is given.

Under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. The Court considers the pleadings and the petition in deciding whether dismissal is appropriate. The parties may submit their argument to this Court by filing briefs in support of or briefs in opposition to said motions. The law provides that the party against whom dismissal is sought must be given ten (10) days-notice of the dismissal rules. In addition, the party upon whom a motion to dismiss has been filed has the right to file a brief in opposition to a motion to dismiss. If he fails to file a brief in opposition to the motion to dismiss, a final judgment may be rendered against him if otherwise appropriate under law.

IF PETITIONER FAILS TO RESPOND TO AND REBUT THE ARGUMENTS IN RESPONDENT'S BRIEF MAY RESULT IN SAID STATEMENTS BEING ACCEPTED AS UNCONTESTED AND CORRECT.

The Court could grant judgment to Respondent and there would be no trial or further proceedings.

Accordingly, Petitioner is **NOTIFIED** of his right to file a response to Respondent's motion to dismiss. Petitioner should file such response **WITHIN THIRTY (30) DAYS** of the date of this Order. Thereafter, the Court will consider Respondent's motion to dismiss (ECF No. 9) and any opposition to the same filed by Petitioner and issue its ruling thereon.

SO ORDERED, this 12th day of August, 2024.

s/ Amelia G. Helmick
UNITED STATES MAGISTRATE JUDGE